



020728.0101R1US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

GENAPP.002RA	(020728.0101R1US)	PATENT
Applicant :	Gopal	) Group Art Unit: 1636
Reissue Appl. :	09/404,979	)
Filed :	September 22, 1999	)
For :	PEPTIDE-MEDIATED	)
	GENE TRANSFER	)
Examiner :	McKelvey, T.	)

**SUMMARY OF THE SUBSTANCE OF THE INTERVIEW AND COMMENTS ON  
EXAMINER'S NOTES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant notes with appreciation the Notice of Allowance and Fees Due dated October 11, 2005 and the Examiner's Notes dated November 21, 2005. Applicant also thanks the Examiner for extending the courtesy of an interview on November 9, 2005. Below please find Applicant's Statement of the Substance of the Interview and Comments on Examiner's Notes.

A telephonic interview took place between Examiner Terry A. McKelvey and Applicant's representatives David Staggs and Scott Chambers on November 9, 2005.

Examiner McKelvey agreed that the new matter rejection of 4/5/2000 was overcome on 9/7/2000 (paper 11/A) and should not be construed to limit the allowed claims.

Applicant further pointed out that in the paper of 03/10/04 the “broadest reasonable interpretation” per MPEP 2111.01 uses the clear language of the claims to define the invention. The Examiner agreed that the claims were examined using the “broadest reasonable interpretation.”

Applicant indicated that arguments made by Applicant’s previous attorney incorrectly attempted to define the invention based on examples in the specification (table, page 4, paper 16/C). The Examiner indicated he did not rely on the use of these specific examples to limit the claim scope during the final examination of the claims. In the instant interview the Examiner said that the broadest reasonable interpretation was used and not one embracing the limitations as described in paper 16/C. Examiner McKelvey further stated that arguments first entered on 1/30/2001 were not considered during the final examination of the allowed claims and did not play a part in his determination of allowability of the claims.

During the interview, the Examiner agreed that Applicant disavowed specific prior arguments made by the previous representative, Nancy Vensko (arguments first entered into the record as paper 16/C) and that the Record was clear in this regard. Examiner McKelvey agreed that the Applicant did not disavow any claim scope to secure allowance.


Should the Examiner feel that any issues remain, it is respectfully requested that the undersigned be contacted so that any such issues may be adequately addressed. Applicant states that claims 15-20 (entered on 9/22/1999) and 15-21 (entered on 11/30/00) were not cancelled for

- reasons relating to patentability and that the Applicant reserves the right to pursue these claims in a later application or continuation.

Respectfully submitted

PATTON BOGGS LLP

Dated: *Dec. 20, 2005*

By:   
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